

RID (Rule Interpretation Decision)
(Use additional sheets as necessary)

Type of RID Customer RID <input checked="" type="checkbox"/> Internal Staff RID <input type="checkbox"/>	Requested Response Time 24 hours <input type="checkbox"/> 5 working days <input checked="" type="checkbox"/> As time available <input type="checkbox"/>	DSD Assigned RID # 008
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1. Project Name: na

2. Project Number: na
(Plat #, Zoning Case #, etc.)

3. Project Street Address: na
(If not available nearest intersection of two public streets)

4. Applicant Name: na

5. Applicant Address: na

6. Applicant Telephone #: na

7. Applicant e-mail Address: na

8. Rule in Question:
(Section and/or policy of UDC, Building Code, Master Plan, etc)

The applicant is inquiring as to why a miniwarehouse requires a Specific Use Permit within the ERZD overlay zoning district while full size warehouse or permitted as of right in the ERZD overlay district?

9. Applicant's Position: (As paraphrased by staff)

(Including date position presented and name of city staff point of contact)

Date: na **Contact:** na **Contact Telephone #:** na

It appears that the office function is the only distinct feature between the two uses. The "warehouse" function of each use is the same.

In the UDC a warehouse is defined as "...where materials are combined, broken down, or aggregated for trans-shipment or storage purposes where the material is not chemically or physically changed..." Appendix A: Definitions Page A-52. An office would simply be used to conduct the business activities related to the warehouse use.

One could envision an Office Warehouse (no outside storage) as a “smaller” establishment similar to retail with the office and sales in the front and the material storage in the warehouse located in the rear of the property. Vehicular traffic would include employee and customer cars and large trucks for delivery. Warehousing would include “larger” establishments with the office and retail sales located at another property location. The majority of traffic generated at a Warehousing use would be by large delivery trucks.

Screened outside storage is only outright permitted in I-1 and I-2 and unscreened open outside storage is permitted in I-2. Storage requires an “S” with the ERZD. In this case, both the Office Warehouse (no outside storage) and Warehousing would require the appropriate zoning district and an “S” with in the ERZD.

Both uses fall under the LBCS 3000 Manufacturing function (more specifically the Warehouse 3600 function) in the UDC Matrix.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: 4/18/2004 Contact: Christie Chapman Contact Telephone #: (210) 207-8389

The following portions of the non-residential use matrix and UDC definitions are applicable to the inquiry and staff finding:

1. 35-311 USE Regulations

TABLE 311-2 NON-RESIDENTIAL USE MATRIX												
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD
Warehouse	Office Warehouse (Flex Space) - Outside Storage Not Permitted						P		P	P	P	S
Warehousing	Warehousing							S	P	P	P	P

2. Processing and warehousing

The storage of materials in a warehouse or terminal and where such materials may be combined, broken down or aggregated for trans-shipment or storage purposes where the original material is not chemically or physically changed.

3. 35-382 Miniwarehouses

Miniwarehouses may be permitted in the zoning Districts designated in the Use Matrix (Table 311-2), subject to the following limitations, conditions, and restrictions:

- (a) *A plan of development shall be submitted to the Director of Development Services indicating location of buildings, lot area, number of storage units, type and size of signs, height of buildings, parking layout with points of ingress and egress, and location and type of visual screening and landscaping being proposed.*
- (b) *The development shall be exclusively limited to storage and those activities necessary for the operation, safety and maintenance of the development, in addition to those uses authorized in the applicable districts.*
- (c) *Within the authorized zoning districts, the development shall be permitted by right on sites not exceeding two and one-half (2½) acres unless the site is zoned L, I-1, or I-2. On sites exceeding two and one-half (2½) acres a specific use permit shall be required.*
- (d) *Screening shall be provided adequate to protect adjacent properties in a more restrictive district (all residential districts, NC, C-1, O-1 or O-2 districts) from the environmental impacts of the miniwarehouses such as visual blight, parking or roadway illumination, headlights, noise, blowing papers and dust, and service areas.*

No advertising signs will be permitted on the property other than identifying signage of the miniwarehouse facility itself.

The UDC does not provide a description in Appendix A of an office warehouse however departmental enforcement has historically been based on the premise that an office warehouse is a miniwarehouse with the addition of a small office area and in some cases a small display area.

At the time office warehousing was added to the UDC it was assumed that the largest storage area would be no greater than the storage area for two trailerable boats on trailers (about 24 foot wide and 30 foot deep with an accompanying office/display area no greater in size than the storage area. The concept was adopted to support small service providers who would operate without any outside storage of equipment, goods or products, such as home contractors, plumbers, electricians, land surveyors among others. The concept did not envision allowing uses which were basically designed for onsite retail and/or wholesales sale of products and/or inventory of goods to the public.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: 4/12/2004 **Contact:** John Jacks **Contact Telephone #:** (210) 207-7206

Staff is of the opinion that "office warehousing" in the Non-Residential Use Matrix requiring an "Specific Use Permit" in the "ERZD" overlay district was deliberate and that the UDC Technical Advisory Committee desired to protect the "ERZD" from degradation due to hazardous materials that might be stored illegally in the office

warehouse facility. The staff is also of the opinion that allowing the warehousing as “permitted by right) within the “ERZD” overlay district to be an oversight and that it should have been designated “S” requiring a Specific Use Permit when the warehouse was located within the “ERZD” overlay district.

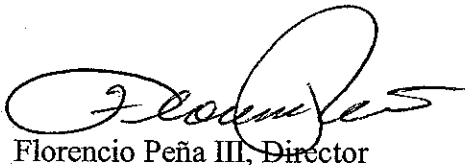
12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

Date of policy/action: 4/13/2004

Effective Date of policy/action: 4/13/2004

The Director of Development Services based on the findings of staff, reading of the UDC and recollection of UDC Technical Advisory Committee comments agrees and finds that the requirement of a “Specific Use Permit” for “office warehousing” developed within the ERZD overlay district as correct. The Director instructs staff to prepare an amendment to the UDC for consideration by the City Council that would also require a “Specific Use Permit” for the development or construction of warehouse within the “ERZD” overlay district.



Florencio Peña III, Director
Development Services Department